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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,661	06/04/2001	Elad Barkan	P-9487-US	1312

7590

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EXAMINER
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KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/871,661

**Applicant(s)**

BARKAN, ELAD

**Examiner**

Thjuan P. Knowlin

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on August 09, 2006 has been entered. No claims have been amended. Claims 1-39 have been cancelled. Claims 40-42 have been added. Claims 40-42 are now pending in this application, with claims 40, 41, and 42 being independent.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Barany et al (US 6,594,252).

3. In regards to claim 40, Barany discloses a gateway (See Fig. 1A and gateway GPRS support node (GGSN) 36) to a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 28-34) comprising: a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and mobile unit 20) (See col. 4 lines 1-

12 and col. 10 lines 47-65); an interface (See Fig. 1A and data traffic system controller 40) adapted to facilitate data flow between the mobile device and the data network (See col. 4 lines 53-59); a controller (See Fig. 1B and control unit 69) adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration policy database (See Fig. 1B and storage unit 71) (See col. 11 lines 15-33).

4. In regards to claim 41, Barany discloses a communication system (See Fig. 1A and mobile communications system 10) comprising: two or more gateways (See Fig. 1A, gateway GPRS support node (GGSN) 36, and serving GPRS support node (SGSN) 35) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 26-34); a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and mobile unit 20) (See col. 4 lines 1-12 and col. 10 lines 47-65); an interface (See Fig. 1A and data traffic system controller 40) adapted to facilitate data flow between the mobile device and the data network (See col. 4 lines 53-59); and a controller (See Fig. 1B and control unit 69) adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database (See Fig. 1B and storage unit 71) functionally associated with the data network (See col. 11 lines 15-33).

5. In regards to claim 42, Barany discloses a method of providing data to a mobile device (See Fig. 1A and mobile unit 20) (See col. 4 lines 36-39) comprising: establishing a data link between the mobile device and a radio frequency transceiver

(See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 1-12, col. 4 lines 36-39, and col. 10 lines 47-65); regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database (See Fig. 1B and storage unit 71) functionally associated with the packet based data network (See col. 11 lines 15-33).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 40-42 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant indicates that new claims 40 through 43 have been added. However, only claims 40, 41, and 42 have been added and submitted. Applicant is advised to correct this by either officially submitting claim 43 in the next response, or by withdrawing the above statement.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al (US 6,497,599) teach channel reuse patterns in a mobile communications system. Barany et al (US 6,944,146) teach communications of signaling in a mobile communications system with reduced interference.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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